

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48579 of 2016

Arising Out of PS.Case No. -132 Year- 2015 Thana -CHHATAPUR District- SUPAUL

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Kamal Paswan, son of Late Ghuran Paswan, resident of Village-Majhail
Ratansar, P.S.-Chhatapur, District-Supaul

.... Petitioner/s

Versus

1. The State of Bihar
2. Mahendra Yadav
3. Sikandar Yadav @ Sikend Yadav
Both sons of Late Nunulal Yadav, resident of Village-Majhail
Ratansar, P.S.-Chhatapur, District-Supaul

.... Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Prafull Chandra Thakur, Advocate Mr. Dinesh Choudhary, Advocate
For the State	:	Mr. Binay Krishna, SPP
For O.P. No.2 & 3	:	Mr. Arun, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 12-07-2017 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State as well as the

learned counsel appearing for O.P. Nos.2 and 3.

The petitioner seeks cancellation of the order dated
08.09.2016 passed in Cr.Misc. No.31536 of 2016, by which this
Court had been pleased to extend the privilege of pre-arrest bail
in favour of O.P. Nos.2 and 3, being Mahendra Yadav and
Sikandar Yadav @ Sikend Yadav, both sons of Late Nunulal
Yadav, resident of Village-Majhail Ratansar, P.S.-Chhatapur,
District-Supaul.



The petitioner, who was the informant in the case, in which the aforementioned two persons have been extended the privilege of anticipatory bail, submits that this Court had been misled into passing the order in their favour as they had stated before this Court that they were not involved in any other case. It was on the basis of such statement, which stands duly recorded in the order dated 08.09.2016, that the Opposite Party Nos.2 and 3 were extended the privilege of anticipatory bail.

Learned counsel for the petitioner has produced before this Court a judgment of the Apex Court in the case of **Narmada Bachao Andolan v. State of Madhya Pradesh and Anr.**, reported in **AIR 2011 S.C.1989**, in paragraph 141 whereof it has been held as follows:

"141. *It is a settled proposition of law that a false statement made in the Court or in the pleadings, intentionally to mislead the Court and obtain a favourable order, amounts to criminal contempt, as it tends to impede the administration of justice. It adversely affects the interest of the public in the administration of justice. Every party is under a legal obligation to make truthful statements before the Court, for the reason that causing an obstruction in the due course of justice "undermines and obstructs the very flow of the unsoiled stream of justice, which has to be kept clear and pure, and no one can be permitted to take*



liberties with it by soiling its purity". (Vide: Naraindas v. Government of Madhya Pradesh and Ors., AIR 1974 SC 1252 : (1974 Cri LJ 924); The Advocate General, State of Bihar v. M/s. Madhya Pradesh Khair Industries and Anr., AIR 1980 SC 946 : (1980 Cri LJ 684); and Afzal and Anr. v. State of Haryana and Ors., (1996) 7 SCC 397) : (AIR 1996 SC 2326 : 1996 AIR SCW 824 : 1996 Cri LJ 1679)."

It appears that, no doubt, the opposite parties had indulged in making false statement, which itself disentitled them to any privilege and in view of such statement, their application for grant of anticipatory bail was fit to be dismissed at the threshold itself.

Having considered the facts and circumstances of the case and that from a perusal of Annexure 2, which is the previous case in which the two opposite parties were also involved, it appears that they are the people of belligerent nature and they have also misled this Court into holding that they are men of clean antecedents, this Court is constrained to revoke the aforementioned order dated 08.09.2006 passed in their favour.

The application for cancellation of their bail shall stand allowed.

It shall now be open for the court below to take



appropriate steps for cancellation of their bail bonds filed by
the aforementioned two opposite parties.

(Anjana Mishra, J)

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